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09/552,060	04/19/2000	Peter J. Lange	10991401-1	3358

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EXAMINER

LUU, MATTHEW

ART UNIT	PAPER NUMBER
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2672

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 7

Application Number: 09/552,060

Filing Date: April 19, 2000

Appellant(s): LANGE ET AL.

Steven L. Webb
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 26 March 2003.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is incorrect. Claim 6 is a non-appealing independent claim. Claims 7 and 8 are dependent on a non-appealing claim 6. It is confusing on why independent claim 6 is not being appealed.

(7) *Grouping of Claims*

The appellant's statement in the brief that certain claims do not stand or fall together is not agreed with because the independent claim 6 is not being appealed. And claims 7 and 8 are dependent on a non-appealing claim 6.

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(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,310,601	Moore et al	10-2001
6,212,564	Harter et al	4-2001

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al. (6,310,601) in view of Harter et al (6,212,564).

The Rejection of Independent Claim 6:

Regarding claim 6, Moore discloses (Figs. 1-5) a method and system for displaying an image embedded in a web page, comprising the steps of: determining the current resolution of the display (col. 5, lines 38-47); determining the desired physical size of the image to be displayed (Fig. 3, steps 305-309); and displaying the image at the desired physical size (col. 5, lines 18-33).

Moore fails to disclose the embedded program configured to determine the current display resolution for a display used to display the web page.

However, Harter et al teach an embedded program (Java applet) configured to determine the current display resolution. See column 3, lines 3-11.

Since Moore mentions the using of JAVA program in his Web browser to enhance the image size directives (column 7, lines 11-15), it would have been obvious to a person of ordinary skill in the art to use the embedded JAVA program in the web page, as taught by Harter et al, to provide the web page system of Moore with a server, which can manage the distribution of applets to clients matching the capabilities of the browser, the Java runtime environment, the screen resolution, color depth, sound capabilities, and other system capabilities that the designer desires to optimize the application for.

Furthermore, it is conventional in the art that Java applet can be embedded into the HTML page for reading the current settings of a display driver such as the display resolution and size of an image to be displayed, etc. (See Applicant's specification, page 1, lines 18-24).

The Rejection of Claim 7:

Regarding claim 7, which is dependent on claim 6, Moore fails to explicitly teach the embedded program also determines the physical size of the display.

However, since Harter et al mentions the determination of the display screen resolution (i.e. the number of pixels in the horizontal dimension x the number of pixels in

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the vertical dimension), it is obvious to the person of ordinary skill in the art to recognize that the resolution of the display can also be considered as the physical size of the display since one can only display an image within the resolution area of the screen (e.g. 640 pixels by 480 pixels), but not outside the resolution area of the screen.

Therefore, since an image can only display within the resolution area of the screen, the resolution area of the screen is the physical size of the display.

The Rejection of Claim 8:

Regarding claim 8, Moore discloses the steps of: determining the desired physical size of the image to be displayed (Fig. 3, steps 305-309); and displaying the image at the desired physical size (col. 5, lines 18-33).

The Rejection of Independent Claim 1:

Regarding claim 1, Moore discloses (Figs. 1-5) a method and system for displaying an image embedded in a web page, comprising the steps of: determining the current resolution of the display (col. 5, lines 38-47); determining the desired physical size of the image to be displayed (Fig. 3, steps 305-309); and displaying the image at the desired physical size (col. 5, lines 18-33).

Moore fails to disclose the embedded program configured to determine the current display resolution for a display used to display the web page.

However, Harter et al teach an embedded program (Java applet) configured to determine the current display resolution. See column 3, lines 3-11.

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Since Moore mentions the using of JAVA program in his Web browser to enhance the image size directives (column 7, lines 11-15), it would have been obvious to a person of ordinary skill in the art to use the embedded JAVA program in the web page, as taught by Harter et al, to provide the web page system of Moore with a server, which can manage the distribution of applets to clients matching the capabilities of the browser, the Java runtime environment, the screen resolution, color depth, sound capabilities, and other system capabilities that the designer desires to optimize the application for.

Furthermore, it is conventional in the art that Java applet can be embedded into the HTML page for reading the current settings of a display driver, such as the display resolution and size of an image to be displayed, etc. (See Applicant's specification, page 1, lines 18-24).

(11) *Response to Argument*

Response to argument with respect to independent claim 6:

Applicant fails to submit a response to independent claim 6.

Response to argument with respect to claim 7:

Applicant has argued that "Harter does disclose determining the screen resolution..., but does not disclose determining the physical size of the display" (page 5). Applicant has also argued that "The resolution of a display is independent of the physical size of the display" (page 5, 3rd to last line). The Examiner respectfully

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disagrees to the Applicant's allegation. It is well known in the art that every single display unit is made up of the number of physical pixels in the horizontal dimension x the number of physical pixels in the vertical dimension. This is the physical resolution of a physical display area. Naturally, the resolution area of the display is the physical size of the display since one can only display an image within the resolution area of the screen (e.g. 640 pixels by 480 pixels), but not outside the resolution area of the screen. Therefore, since one can only display an image within the resolution area of the screen, the resolution area of the screen is the physical size of the display.

Furthermore, one of ordinary skill in the art realizes that a less expensive physical size of the 15 inches display screen includes only a physical (640 pixels by 480 pixels) resolution. However, a more expensive physical size of the 15 inches display screen includes more pixels, such as a physical (1024 pixels by 1280 pixels) resolution. Now, based on the example above, one must realize that the physical size of pixels by pixels, i.e. the resolution is the physical size of the display screen.

Response to argument with respect to claims 1 and 8:

Applicant has argued, at page 6, lines 5-7, that "None of the cited prior art discloses or teach determining the physical size of the image to be displayed or displaying an image at a desired physical size". The Examiner respectfully disagrees to the Applicant's allegation. Since Applicant fails to disclose how to measure the physical size of the display or how to measure the physical size of the pixel, one of ordinary skill in the art must realize that the number of pixels by pixels, i.e. the resolution is the

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physical size of the display screen. Naturally, one easily realizes that what important is the number of pixels that determine the physical size of the display screen. Now, Moore clearly teaches that the size of image is based on the number of pixels (column 5, lines 29-31). Therefore, Moore does disclose the steps of: determining the desired physical size of the image to be displayed (Fig. 3, steps 305-309); and displaying the image at the desired physical size, i.e. the desired number of pixels (col. 5, lines 18-33).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



M. Luu
June 12, 2003

MATTHEW LUU
PRIMARY EXAMINER

Conferees



SPE Michael Razavi

Primary Examiner Jeff Brier



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